

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
DUNCAN GIBSON,  
  
Defendant.

Case No. CR20-083RSL

ORDER GRANTING  
STIPULATED MOTION TO  
CONTINUE TRIAL AND  
PRETRIAL MOTIONS DUE  
DATE

This matter comes before the Court on the parties' "Stipulated Motion to Continue Trial and Pretrial Motions Due Date." Dkt. # 35. Having considered the facts set forth in the motion, and defendant's knowing and voluntary waiver, the Court finds as follows:

1. The Court adopts the facts set forth in the stipulated motion: in particular, that defense counsel's preparations have been restricted by the effects of the COVID-19 pandemic and defense counsel's ability to meet with defendant has been severely limited. The Court accordingly finds that a failure to grant a continuance would deny counsel, and any potential future counsel, the reasonable time necessary for effective preparation, taking into account the exercise of due diligence, within the meaning of 18 U.S.C. § 3161(h)(7)(B)(iv).

2. The Court finds that a failure to grant a continuance would likely result in a miscarriage of justice, as set forth in 18 U.S.C. § 3161(h)(7)(B)(i), particularly in light of the difficulties in obtaining an adequate spectrum of jurors during the COVID-19 pandemic. See W.D. Wash. Gen. Orders No. 15-20, 18-20.

ORDER GRANTING STIPULATED  
MOTION TO CONTINUE TRIAL - 1

1           3.       The Court finds that the additional time requested between March 22, 2021 and  
2 the proposed trial date of August 2, 2021, is a reasonable period of delay. The Court finds that  
3 this additional time is necessary to provide defense counsel reasonable time to prepare for trial,  
4 considering the facts set forth above.

5           4.       The Court further finds that this continuance would serve the ends of justice, and  
6 that these factors outweigh the best interests of the public and defendant in a speedier trial,  
7 within the meaning of 18 U.S.C. § 3161(h)(7)(A).

8           5.       Defendant has executed a waiver indicating that he has been advised of his right to  
9 a speedy trial and that, after consulting with counsel, he has knowingly and voluntarily waived  
10 that right and consented to the continuation of his trial to a date up to and including August 16,  
11 2021, Dkt. # 37, which will permit his trial to start on August 2, 2021.

12           IT IS HEREBY ORDERED that the trial date shall be continued from March 22, 2021  
13 to August 2, 2021, and pretrial motions are to be filed no later than July 5, 2021;

14           IT IS FURTHER ORDERED that the period of time from the current trial date of March  
15 22, 2021, up to and including August 2, 2021, shall be excludable time pursuant to the Speedy  
16 Trial Act, 18 U.S.C. § 3161, *et seq.* The period of delay attributable to this filing and granting of  
17 this motion is excluded for speedy trial purposes pursuant to 18 U.S.C. §§ 3161(h)(1)(D),  
18 (h)(7)(A), and (h)(7)(B)(i), (iv).

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20           DATED this 20th day of January, 2021.

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24           Robert S. Lasnik  
25           United States District Judge  
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